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7

8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 BRIAN DORNELLAS as Trustee of the
11 SHELLY COLLINS REVOCABLE LIVING
TRUST,

12 Plaintiff,

CASE NUMBER. 2:20-cv-00141-GMN-BNW

[PROPOSED] ORDER

13 v.

14 MASSACHUSETTS MUTUAL LIFE
15 INSURANCE COMPANY; BRIGHTHOUSE
16 LIFE INSURANCE COMPANY; DOES 1-10;
and ROE CORPORATIONS 1-10,

17 Defendants.

18 BRIGHTHOUSE LIFE INSURANCE
COMPANY

19 Third Party Plaintiff,

20 v.

21 BRIAN DORNELLAS as Trustee of the
22 SHELLY COLLINS REVOCABLE LIVING
23 TRUST; GEORGE SCHMIDT, as Trustee of
the SHELLY COLLINS TESTAMENTARY
TRUST; THE ESTATE OF SHELLY
24 COLLINS, and DOES 1-10,

25 Counter-Defendants.

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1 Upon Joint Motion for an Order for Distribution and Other Relief submitted by Plaintiff,
2 Brian Dornellas as Trustee of the Shelly Collins Revocable Living Trust, ("Plaintiff") and
3 Defendant Brighthouse Life Insurance Company f/k/a MetLife Insurance Company USA f/k/a
4 The Travelers Insurance Company ("Brighthouse"), and good cause having been shown,

5 **IT IS ORDERED** as follows:

6 1) Default Judgment is hereby entered against Third Party Defendant George
7 Schmidt, as Trustee of the Shelly Collins Testamentary Trust, with respect to the claims asserted
8 by Brighthouse in its Third Party complaint Interpleader;

9 2) Brighthouse shall cause to be delivered to Plaintiff's counsel a check payable to
10 "David Liebrader Atty Trust Acct" in the amount of \$307,374.87 ("Death Benefit"), representing
11 the death benefit payable in connection with Brighthouse Annuity number 0327193 (the
12 "Annuity"), which was issued to Shelly Collins;

13 3) Upon payment of the Death Benefit as described in Paragraph 2 above,
14 Brighthouse shall be, and hereby is, released and discharged from any and all liability to Plaintiff
15 and the Third Party Defendants, any other person or entity making a claim by, through or under
16 them, relating to, or in connection with, or arising out of the Annuity and/or the Death Benefit
17 and/or interest thereon, and the Plaintiff and the Third Party Defendants, any other person or
18 entity making a claim by, through or under them, shall be permanently enjoined from making any
19 further actual or implied claims, demands and causes of action, asserted or unasserted, express or
20 implied, foreseen or unforeseen, real or imaginary, suspected or unsuspected, known or unknown,
21 liquidated or unliquidated, of any kind or nature or description whatsoever, that the Plaintiff and
22 the Third Party Defendants, any other person or entity making a claim by, through or under them,
23 jointly and severally, ever had, presently have, may have, or claim or assert to have, or hereinafter
24 have, may have, or claim or assert to have, against Brighthouse with respect to or relating to, or in
25 connection with or arising out of the Annuity and/or the Death Benefit and/or interest thereon;

26 4) Plaintiff shall indemnify and hold harmless Brighthouse from any and all claims or
27 causes of action brought by any person or entity who is claiming by, through, or on behalf of the

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1 Estate of Shelly Collins based upon the claims herein released and settled or otherwise in any way
2 related to, or in connection with or arising out of the Annuity or Death Benefit;

3 5) Plaintiff hereby absolutely and irrevocably assigns to Brighthouse any and all
4 interest, claims, and rights, including, but not limited to, rights of reimbursement the Trust and/or
5 the Annuitant and/or her Estate have against George Schmidt, Eric Schmidt, Lincoln Financial
6 Advisors Corporation, and/or others for the Brighthouse Annuity death benefit previously
7 distributed by Brighthouse to George Schmidt, but not any interest or rights related to any other
8 claims, including those related to the Massachusetts Mutual Insurance Company annuity;

9 6) Brighthouse shall have first priority from any recovery by Plaintiff, on behalf the
10 Trust, of any funds received in connection with its claims against George Schmidt, Eric Schmidt,
11 and Lincoln Financial Advisors Corporation representing the Brighthouse Annuity death benefit
12 previously distributed by Brighthouse to George Schmidt; but not first priority for any recovery
13 related to any other claims, including those related to the Massachusetts Mutual Insurance
14 Company annuity;

15 7) Plaintiff and his legal representatives shall agree to cooperate and do whatever is
16 necessary to enable Brighthouse to exercise the company's rights and do nothing to prejudice
17 those rights in connection with its claims for reimbursement of the funds previously paid by
18 Brighthouse to George Schmidt; however, the parties acknowledge that Plaintiff will continue to
19 prosecute claims against George Schmidt, which could put the Plaintiff and Brighthouse in
20 competing positions for Mr. Schmidt's assets.

21 8) In the event Plaintiff obtains a recovery in the FINRA Action arising out of, in
22 connection with, or related in any way to the Brighthouse Annuity Death Benefit previously
23 distributed, Plaintiff and the Collins Trust shall hold said funds in trust and shall within 7 days of
24 receipt of said funds, shall forward in full said recovery to Brighthouse through its counsel of
25 record in this action; and

26 9) Upon Notice to the Court of the distribution of the Death Benefit as described in
27 Paragraph 2 above, Brighthouse and any claims asserted or that could have been asserted against
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1 Brighthouse shall be dismissed with prejudice, without fees or costs to any party.
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4 This ORDER shall be deemed a final judgment in accordance with Fed. R. Civ. P. 54(b),
5 there being no just reason for delay.
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1 **IT IS SO ORDERED.**

2 Dated this 16 day of September, 2021.

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Gloria M. Navarro, District Judge
United States District Court

